REMARKS

Claims 1 – 10 are present in this application. Claims 1 and 4 are independent claims.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 3, 6, 9, and 10 contain allowable subject matter.

§ 103(a) Rejection – Harada

Claims 1, 2, 4, 5, 7, and 8 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,563,938 (Harada). Applicants respectfully traverse this rejection.

Embodiments of the present invention covered by claim 1 are directed to a document reading device (e.g., document reading device S). The document reading device includes, among other things, transport means (e.g. document transport driving section 31, 33, document discharge section 34) for transporting a document;

optical reading means (e.g., first and second scanning unit 12, 13, as well as components 14, 15, 17) for reading a document image, said optical reading means being provided with a movable exposure member (first scanning unit 12) which stops at a predetermined reading position (pos 3) and emits light onto the document;

support means (e.g., contact glass 16) for supporting the document being transported by the document transport means when the document passes over the reading position;

a guide member (e.g., guide member 73), formed in a predetermined inclination angle with respect to a flat-plate face of the support means (specification at page 16), which serves as a guide face for guiding the document to the reading position; and

a transport path forming member (e.g., upper transport guide 70) for forming a transport path with the support means so that the document which passes over the reading position can be transported along the flat-plate face of the support means;

wherein the optical reading means detects a leading end position, in a transport direction, of the guide member (e.g. specification at page 23, third full paragraph), and the predetermined reading position is set within a range of predetermined distance in a transport direction from the leading end position, wherein the predetermined distance is known beforehand to be free from stains on said support member caused by a contact with the document (see specification at pages 19-21).

The present invention relates to a document reading device that performs automatic document transport, and an optical unit moving method in which the optical reading unit is moved from a home position at which a platen glass of the reading section does not become dirty with stains (dirt/ink) which are present on a document transported through the position of the optical reading unit, so that no "noise components (line stains)" occur in a reproduced image.

The Office Action alleges that scanner section 20 of Harada teaches the claimed optical reading means, contact glass 29 teaches the claimed support means, document presenting member 23 teaches the claimed guide member, and CCD image sensor 11 teaches the claimed detection means.

Applicants disagree that Harada teaches at least the claimed "guide member" and "detection means."

As recited in claim 1, the claimed guide member is formed in a predetermined inclination angle with respect to a flat-plate face of the support means. The guide member at the predetermined inclination angle "serves as a guide face for guiding the document to the reading position." Furthermore, the claim recites that the "reading position" is set within a range of predetermined distance in a transport direction from the leading end position. In other words, in the present invention the reading position is at a distance in a transport direction from the leading end position of the guide member, i.e., not below the guide member.

Harada discloses a white sheet 26 provided on a lower surface of the document presenting member 23 so that a white solid image is detected when no document original is present on the contact glass (col. 4, lines 24-28). Furthermore, Harada discloses that the reading position is within the range of the width of the white sheet (col. 4, line 65, to col. 5, line 3). Thus, Harada discloses a reading position that is below the document presenting member 23.

The Office Action admits that Harada's document presenting member 23 does not form a predetermined inclination angle with respect to a flat plate face of the support face. Despite this admission, the Office Action alleges that the applicant's invention would perform equally well with the guide positioned as taught by Harada (Office Action at page 2).

First of all, Applicants submit that Harada's document presenting member 23 does not teach or suggest the claimed "guide member." The claimed guide member serves as a guide face for guiding the document to the reading position, where the reading position is set within a range of predetermined distance in a transport direction from the leading end position of the guide member. To the contrary, as noted above Harada's reading position is required to be within the boundary of the document presenting member 23 so that the white sheet is detected in the absence of a document. Harada's document presenting member 23 does not guide a document to the reading position, where the reading position is set within a range of predetermined distance in a transport direction from the leading end position.

Furthermore, the claim specifically recites that the guide member forms a predetermined inclination angle with respect to a flat-plate face of the support means in order to guide the document to the reading position. The reading position is set within a range of predetermined distance from the leading end position of the guide member, the predetermined distance being a position known to be free from stains. In the cases disclosed in the present specification with respect to Figs. 3(a) to 3(c), a preferred value of the inclination angle of the guide member was 15 degrees (specification at page 19). Thus, the present invention avoids stains through a relationship between the predetermined inclination angle and the predetermined distance to the reading position. The present invention does not disclose an alternative of an inclination angle of zero degrees. Thus, there is no evidence that the present invention would perform equally well with an inclination angle of zero degrees.

In addition, the document presenting member 23 of Harada is a document pressing member which avoids, "unwanted document floating phenomenon" when an optical unit reads image information on a transported document, so that a transported document is read in focus. Also, the color of the document presenting member 23 is white because it performs shading correction, which is the white/black level control of the optical unit that is carried out before a document is read.

On the other hand, the guide member of the present application guides a document to a platen glass that is the image information reading section.

For at least these reasons, Applicants submit that Harada fails to teach at least the claimed "guide member." These arguments apply as well to claim 4.

In addition, Applicants submit that Harada fails to teach or suggest the claimed "detection means" for detecting a leading end position of the guide member.

According to the present specification at page 23,

> "Further, the guide member 73 differs from the surrounding members in that its color is set to black as described above. Thus, reading the color of the leading end of the guide member 73 and detecting the leading end position of the guide member 73 are possible in such a manner that at least the leading end of the guide member 73 has a color that is readable by scanning exposure of the first scanning

unit 12. Therefore, since the reading section 10 can be used to detect the leading end position, it is not necessary to provide additional detection means."

In other words, in the present invention the optical reading means can detect the leading end position of the guide member.

The Examiner alleges that Harada's CCD image sensor 11 teaches the claimed "detection means," and that Harada's scanner 20 teaches the claimed "optical reading means." Applicants submit that Harada's CCD image sensor 11 does not detect a leading end position of the guide member.

Instead, Harada's CCD image sensor 11 performs image pre-scanning at the reading position (col. 5, lines 52-57). Later, after adjusting the reading position and upon a leading edge of a document image reaching the reading position, the control circuit starts taking image signals output from the CCD image scanner (col. 6, lines 36-40). In other words, Harada's CCD image sensor performs image scanning for a given reading position. Harada's CCD image sensor is not disclosed as detecting a leading end position of the document presenting member 23, as alleged in the Office Action.

In any case, Harada doe not disclose Harada's scanner 20 as an optical reading means and detection means for detecting a leading end position. Claim 1 has been amended to clarify that detection is a function of the optical reading means.

For the above reasons, Applicants submit that Harada fails to teach or suggest each and every claimed element. Thus, the rejection fails to establish *prima facie* obviousness. Accordingly, Applicants request that the rejection be reconsidered and withdrawn.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact **Robert Downs** Reg. No. 48,222 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By Robt Downs #48222

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